

UNITED STATES DISTRICT COURT

NOV 03 2022
for the
Northern District of New York

In the Matter of the Search of _____)
(Briefly describe the property to be searched or identify the person by)
name and address) John M. Domurad, Clerk - Syracuse)

A UNITED STATES POSTAL SERVICE PRIORITY)
MAIL PARCEL BEARING TRACKING NUMBER 9505)
5162 1953 2301 9491 60. CURRENTLY LOCATED AT)
THE U.S. POST OFFICE AT 5640 EAST TAFT ROAD,)
SYRACUSE, NEW YORK 13220)

Case No. 5:22-mj-674 (TWD)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Northern District of New York, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

21 USC § 841(a)(1) and 846

Offense Description

Distribution and possession with intent to distribute a controlled substance, and the attempt or conspiracy to commit said offenses

The application is based on these facts:

See affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of ___ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



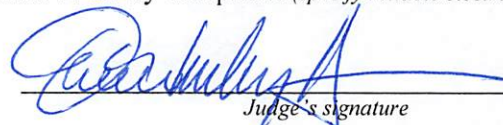
Applicant's signature

John M. Greene, U.S. Postal Inspector

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by Telephone (specify reliable electronic means).

Date: Nov 3, 2022



Judge's signature

City and state: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF A UNITED
STATES POSTAL SERVICE PRIORITY
MAIL PARCEL BEARING TRACKING
NUMBER 9505 5162 1953 2301 9491 60.
CURRENTLY LOCATED AT THE U.S.
POST OFFICE AT 5640 EAST TAFT
ROAD, SYRACUSE, NEW YORK 13220

Case No.

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, John M. Greene, being duly sworn, depose and say as follows:

INTRODUCTION

1. I am a United States Postal Inspector currently assigned to Syracuse, New York. I have been employed as a Postal Inspector since February 2022. I am responsible for investigations involving the illegal use of the United States mail in the trafficking of controlled substances, illegal narcotics, or proceeds derived from the sale of controlled substances, in violation of Title 21, United States Code, Sections 841 and 846. These investigations involve the mailing of methamphetamine, MDMA, marijuana, cocaine, and other controlled and non-controlled prescription narcotics. I have also been involved in the investigation of the mailing of U.S. currency as payment for illegal narcotics sent through the U.S. mail, or as payment for illegal narcotics brought into the Northern District of New York by other means. Based upon my training and experience, I am familiar with the methods and techniques used by traffickers of illegal narcotics and pharmaceuticals to transport controlled substances and proceeds related to the sale of controlled substances via the U.S. Mail and avoid detection by the United States Postal Service ("USPS").

2. Prior to my employment by the United States Postal Inspection Service (“USPIS”), I was employed as a Special Agent with the United States Department of Energy (DOE), Office of Special Operations (“DOEOSO”) and the National Nuclear Security Administration (“NNSA”) from 2010 to 2022. During my time as a DOE Special Agent, I was responsible for the investigations of threats and assaults of cabinet-level members to the President of the United States and investigations involving national nuclear security. Additionally, I was assigned to the Federal Bureau of Investigation’s (“FBI”) Joint Terrorism Task Force (JTTF) and the Violent Crimes Task Force (“VCTF”) from 2018-2020. As a task force officer, I investigated crimes of domestic and international terrorism, gang violence, kidnapping, and illegal trafficking of firearms. I have participated in the execution of several search and seizure warrants, including the searches of residences, business offices, and vehicles.

3. As a federal agent, I am authorized to investigate violations of the United States Code, and to execute warrants issued under the authority of the United States.

4. This affidavit is submitted in support of an application to search United States Postal Service (“USPS”) Priority Mail parcel 9505 5162 1953 2301 9491 60, which is a brown cardboard box bearing the return address EM Rosen, 6542 Peach Ave., Van Nuys, California 91406 and addressed to Marge Gross, 702 Edwards Ave. Rome, New York 13440. This parcel (hereinafter referred to as “Subject Parcel 1”) is more thoroughly described in Attachment A. Subject Parcel 1 is currently in the custody of USPIS, located at 5640 East Taft Road, Syracuse, NY 13220 (“Syracuse Office”).

5. The information contained in this affidavit is based on my knowledge, my observations during this investigation, information conveyed to me by other law enforcement officers, and on my examination and review of physical evidence obtained during the investigation.

PROBABLE CAUSE

6. On October 29, 2022, I was reviewing USPS records for parcels destined for the Northern District of New York which possessed certain characteristics of parcels that could contain narcotics. For example, I was alerted to Subject Parcel 1 because it had been mailed from Southern California, was mailed using Priority Mail service, and had been paid in cash. I observed that Subject Parcel 1 was mailed from Woodland Hills, CA. and was destined for 702 Edwards Ave. Rome, NY. I conducted additional review of Subject Parcel 1 because it was mailed from Woodland Hills, CA, an area in Southern California, near Los Angeles, known to be a narcotics source location for a variety of illegal narcotics, specifically methamphetamine and fentanyl. The sender also did not request that a signature be required from the recipient at the time of delivery. Through my training and experience with a narcotic-related transaction, people shipping illegal goods, such as narcotics, frequently decline the signature-on-delivery service because it requires the recipient to take personal possession of the package in the presence of a Postal worker.

7. On the same date, October 29, 2022, I obtained an image of Subject Parcel 1. I observed that Subject Parcel 1 was a USPS Priority Mail parcel, bearing the return address “EM Rosen 6542 Peach Ave. Van Nuys, Ca 91406” and addressed to “Marge Gross 702 Edwards Ave. Rome, NY 13440.” I conducted a CLEAR¹ database query and a USPS database query but could not associate the name EM Rosen to 6542 Peach Ave. Van Nuys, Ca 9140 or Marge Gross to 702 Edwards Ave. Rome, NY 13440. Through my training and experience, I am aware that it is common for people mailing illegal narcotics to use fictitious names to avoid detection by law enforcement. I believe that, in this instance, the return address name of EM Rosen is an attempt

¹ CLEAR is a fee-based database of information commonly used by law enforcement to confirm names, addresses, telephone numbers, and other personal identifiers.

to disguise the sender's true name, and to avoid placing the mailer's true name or identity on the parcel in case the parcel is intercepted by law enforcement. Further, I believe the delivery address name of Marge Gross is an attempt to disguise the recipient's true name.

8. On November 01, 2022, I intercepted Subject Parcel 1 at the USPS Syracuse Processing and Distribution Center (Syracuse P&DC). I observed that the information I had obtained from the original image of Subject Parcel 1 regarding the return and delivery address was accurate.

9. Additionally, I conducted a visual inspection of the Subject Parcel 1 and observed that the parcel had all its seams taped. In my training and experience, I know that narcotics traffickers often use excessive tape, including the use of tape to cover all seams of the parcel, in order to prevent detection by a narcotics canine.

10. On the same date, November 01, 2022, at approximately 10:37 a.m., Subject Parcel 1 was examined by Syracuse Police Department K-9 Handler John Nye and his canine partner "Jarda." At 10:58 a.m., Officer Nye informed me that "Jarda" did alert to Subject Parcel 1. Inspectors Price, Greene, Ralbovsky and USPIS Task Force Officer (TFO) Irvine Reynolds were present for the canine examination and did observe "Jarda" alert to Subject Parcel 1. Officer Nye provided a detailed deposition on the canine exam and the canine's training and certification. A copy of the deposition for the canine examination of Subject Parcel 1 is attached as **Exhibit A**.

11. I am aware, through experience and conversations with canine handlers, that individuals who regularly handle controlled substances often leave the scent of controlled substances on the box, packaging materials, and other package contents they handle. Packaging materials are also often stored near the controlled substances, transferring the odor of the controlled

substance to the packaging materials, contents, and parcel. Narcotics detection canines receive training to alert on these scents.

12. I am also aware, through my training and experience, that it is common for those mailing illegal drugs to use Priority Mail. This is true for many reasons, including because:

- a. Items sent via Priority Mail are considered First Class Mail and cannot be examined without a federal search warrant;
- b. Priority Mail is generally expected to be delivered in 2-4 business days. This ensures the drug dealer of expedited delivery;
- c. Various dispatch times (times which a mailed item is transported to the next destination) are available to customers, upon request, and this gives the mailer the opportunity to have some control over the arrival of the mailed item;
- d. Individuals desiring to either send or receive controlled substances and payments for these substances through the U.S. Mail can do so without having to provide identification, thereby reducing the possibility of revealing their identity; and
- e. Priority Mail parcels include individual parcel tracking numbers, which allow the sender, and/or intended recipient, to track the travel of the parcel after it is posted by telephone or internet

CONCLUSION

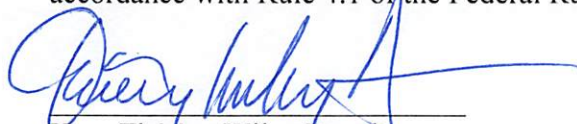
13. The above facts establish probable cause to believe that Subject Parcel 1 does contain evidence of violations of federal law, including Title 21, United States Code, Sections 841(a)(1) and 846.

Attested to by the applicant by telephone in accordance with the requirements of rule 4.1 of the federal rules of criminal procedure.



John M. Greene
U.S. Postal Inspector

I, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on November 3, 2022, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.



Hon. Thérèse Wiley Dancks
United States Magistrate Judge

EXHIBIT A**STATEMENT**

STATE OF NEW YORK
COUNTY OF ONONDAGA
CITY OF SYRACUSE

DR# -

I, P.O. John Nye, being duly sworn, state I am 42 years of age 03/18/1980 (D.O.B.) and my address is 511 S. State St. Syracuse, NY 13202 My occupation is Police Officer/K9 Handler and I have completed 16 years of school. I can be reached at the following phone numbers, (315)442-5200 home and () - work.

Be it known that by this supporting deposition, Officer John Nye swears that he is a duly appointed Police Officer and has been employed as such since September 15, 2009 by the Syracuse Police Department. Officer Nye has also been trained and certified as a canine handler since October 2019. Officer Nye is currently paired with Canine "Jarda", a 5 year old German Shepherd who is trained and certified since October 2019, as a narcotics detection canine by the Syracuse Police Department and the Onondaga County Sheriff's Office. Said canine is certified in the detection of, Cocaine(Crack/Powder), Ecstasy, Methamphetamine and Heroin. On the 1st day of November 2022 at approximately 1058hrs at the United States Post Office, located at 5640 E. Taft Road, Syracuse, NY 13220, Officer Nye and K9-Jarda did conduct a canine drug sniff of 1, brown cardboard box bearing tracking number: 9505 5162 1953 2301 9491 60. That package measured 10.5" x 15" x 6" and was being sent to Marge Gross, 702 Edwards Ave, Rome, NY 13440 with a return address from, E M Rosen, 6542 Peach Ave, Van Nuys, CA 91406. Said canine sniff did produce a canine alert by scratching at 1 of the 5 used post tubs, placed within the search area, which did contain the above listed package. Canine Jarda alerts in this fashion when he has detected the odor of a narcotic after being directed to check a specific area by the handler.

The above allegations of fact are made by Officer John Nye on direct knowledge & observations.

I have read this statement (had this statement read to me) which consist 1 page(s) and the facts contained therein are true and correct to the best of my knowledge.

NOTE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK

Affirmed under the penalty of perjury, this 1st day of November, 2022

P.O. John Nye
SIGNATURE

[Signature]
WITNESS

D(10-91)

ATTACHMENT A
ITEM TO BE SEARCHED

The item to be searched is depicted below and is U.S. Postal Service Priority Mail parcel with tracking number 9505 5162 1953 2301 9491 60. The parcel measures approximately 15" x 10" x 6" and weighs approximately 8 lbs. 2.6 oz. The parcel is currently located at the Post Office located at 5640 East Taft Road, Syracuse, NY 13220.



ATTACHMENT B
ITEMS TO BE SEIZED

Evidence, fruits, and instrumentalities of violations of Title 21, United States Code, Sections 841(a)(1) and 846 (distribution and possession with intent to distribute a controlled substance, and the attempt or conspiracy to commit said offenses):

1. Controlled substances, drug paraphernalia, and associated packaging;
2. Proceeds of controlled substance purchases or sales, to include currency, money orders, bank checks, and monetary instruments;
3. Transaction records regarding the purchase, sale, or transfer of controlled substances, to include receipts, bills of sale, and other indicia of purchase/sale;
4. Indicia of who sent the parcel; and
5. Indicia of the intended recipient of the parcel.